

6 November 1974

MEMORANDUM FOR CHAIRMAN, SECURITY COMMITTEE

SUBJECT : NOFORN Marking on USIB Documents

REFERENCE : USIB-D-5.1/26, 10 October 1974, and
Memorandum for Holders thereto

1. In consideration of the proposed DCID No. 1/7, you will note that Ed Proctor has raised the question of whether USIB documents should be annotated with the word "NOFORN". We thought the following observations may be useful to you in the Security Committee consideration of the DCID.

2. Historically, all USIB documents have been considered and are treated as not releasable to foreigners unless specifically approved for such release by the USIB or the DCI. Specific USIB action in this regard usually has been reserved for NIEs [REDACTED]

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3. Ed Proctor has suggested two options:

a. Mark all USIB documents NOFORN when they are not to be released to foreign governments.

b. Put a statement in this DCID that all USIB documents are NOFORN unless otherwise marked.

4. Following are some of the problem areas involved in the overall process:

a. Under current procedures, it is possible, especially at various levels of the military departments, that an individual could consider a USIB document releasable in the absence of the NOFORN marking. [REDACTED]

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[REDACTED] This eventuality would not be obviated by making the statement as proposed by Ed Proctor in DCID 1/7 on the assumption that the lower-echelon individual would not normally have ready access to DCIDs.

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b. Should the policy be established that NOFORN be used on USIB documents, a question would arise regarding all the USIB documents issued under previous procedures. With the sudden appearance of NOFORN, individuals might misconstrue previous USIB documents as being releasable. This aspect of the problem is further complicated by the fact that some documents are authorized.

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5. An administrative burden ensues when and if the USIB agrees to release a particular document to a foreign government by a requirement to subsequently notify all holders of the document that the NOFORN no longer applies.

6. There is an additional problem of defining what constitutes a USIB or, for that matter, an IRAC document. Should all documents produced at the committee, subcommittee and working group levels fall under this procedure? Admittedly, the present practice is somewhat ad hoc. Some committees do in fact use NOFORN on some documents while others subscribe to the historic USIB method.

7. Estimates fall into their own special category for which established procedures have existed for many years. Any USIB member or NIO can recommend that an estimate be released to a foreign government under the criteria established by USIB. The Secretariat notifies the USIB of such a proposal which allows for a dissenting view. Normally, if a member dissents, the estimate is not released or the matter is discussed at a USIB meeting to provide the DCI with the basis for making a decision.

8. This matter is obviously a complex one and a standard policy should be established. I hope the above information will be useful to you in your deliberations.

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Executive Secretary, USIB